

REMARKS/ ARGUMENTS

The following arguments are provided to impart precision to the foregoing claims by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,666,481 (hereinafter "Lewis") in view of U.S. Patent 6,249,755B1 (hereinafter "Yemini")

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Applicant's independent claims 1, 8, and 15 include limitations not disclosed in Lewis in view of Yemini. Therefore, applicant's independent claims are patentable over Lewis in view of Yemini.

In particular, independent claims 1, 8, and 15 include the claim limitation, or a limitation similar thereto, of identifying significant ones of behavioral properties based on measured behavioral data in a computer system, and determining an insight associated with the significant ones of behavioral properties. (emphasis added.) (Applicant's claim 1.)

Neither Lewis nor Yemini discloses the claimed limitation. Rather, Lewis is limited to disclosing resolving faults in a network.

The system broadly includes acquiring information about an outstanding communications network fault, retrieving from a database relevant, previously stored sets of data regarding prior communications network faults and resolutions of those prior communications network faults, and using at least a portion of at least one of the previously stored resolutions to provide a resolution of the outstanding communications network fault. (Lewis, col. 3, lines 28-36.)

Applicant, however, does not claim identifying errors or faults within computer, but rather "significant ones of behavioral properties." As shown above, Lewis is limited to discovering and resolving faults, and discloses nothing about identifying "significant ones of behavioral properties," and providing feedback on such.

Furthermore, applicants respectfully submit that it would not have been obvious to modify to Lewis to identify significant ones of behavioral properties based on measured behavioral data in a computer system, and determine an insight associated with the significant ones of behavioral properties, because there would have been no reasonable expectation of successfully modifying Lewis. (See Manual of Patent Examining Procedure ¶ 2143.02; See also *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976), and *Ex parte Erlich*, 3 USPQ2d 1011 (Bd. Pat. App. & Inter. 1986).

In particular, Lewis is limited to identifying faults and comparing those discovered faults to previous discovered faults. Lewis further discloses proposing potential resolutions of the faults based on how the prior discovered

faults had been resolved. Therefore, there would be no reasonable expectation of successfully modifying the Lewis to identify significant ones of behavioral properties and determine insight associated with such, unless the identical behavioral property has previously occurred.

Therefore, applicant's claims include limitations not disclosed nor suggested in Lewis or Yemini. As a result, applicant's claims are patentable over Lewis in view of Yemini.

Furthermore, the remaining claims depend from at least one of the independent claims discussed above, and therefore include the distinguishing limitations of the independent claims. As a result, applicant's remaining claims are also patentable over Lewis in view of Yemini.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

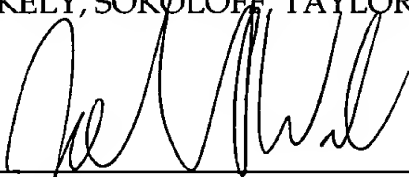
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: \_\_\_\_\_

5/18/09



John P. Ward  
Reg. No. 40,216

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

Appl. No. 09/669,604  
Amdt. dated \_\_\_\_\_